

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda May 28, 2013 7:00 P.M.

Call to Order/Roll Call of Council Members

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilwoman Vivian Casals-Muñoz

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations

- (1) Award of Merit presented to Carlos Alvarez, Principal of the City of Hialeah Educational Academy. The Hialeah Educational Academy was recognized in the 2013 Newsweek Magazine as one of America's best high schools.
- (2) Certificates of Appreciation presented to Comcast, Telemundo Networks and NBC 6, as well as the following sponsors who helped make Comcast Cares Day 2013 a success:
 - Comcast, Telemundo Networks and NBC 6
 - Coca-Cola
 - IKEA
 - The Home Depot

- Sedano's Supermarket

(3) Certificates of Merit presented to the following students of Westland Hialeah Senior High School and coaches of the Boys Volleyball team for their achievement in winning the Miami-Dade County District Championship.

- Alexander Sosa (Head Coach)
- Rosita Sosa (Assistant Coach)
- Miguelangel Alburquerque
- José Benitez
- Osvaldo Canedo
- David Céspedes
- Javier Delgado
- Jorge González
- Dustin Hernández
- Franky López
- Pedro Martínez
- Angel Milian
- Eliecer Palenzuela
- Eber Sanchez
- Joel Sanchez

1. Announcement of Amendments/Corrections to the Agenda -

2. Consent Agenda –

- A. Proposed resolution reappointing Christopher Zacarias as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on May 31, 2013 and ending on May 31, 2014, at an hourly rate to be established by Administrative Order of the Mayor; and providing for an effective date. (OFFICE OF THE CITY CLERK)
- B. Request permission to increase purchase order # 2013-1165, since it is advantageous to the City, issued to Caribe Utilities of Florida, Inc., for changes made to the original work connections requested by the City of Hialeah Water and Sewer Department and which includes additional site work, underground utilities and parking lot for the 36- Unit Elderly Housing Project, by an additional amount of \$77,592.20, for a new total cumulative amount not to exceed \$260,592.20. (CONSTRUCTION AND MAINTENANCE DEPT.)
- C. Request permission to utilize Bid Award 490-000-12-ACS, a competitively bid governmental contract, and issue a purchase order to Thermo Fisher Scientific, Inc., for the purchase of one (1) truck mounted compressor package, three (3) DOT CYL valves and caps and one (1) ventilator system with brackets including installation, for a total cumulative amount not to exceed \$20,751. (FIRE DEPT.)

- D.** Proposed resolution approving a Fund Balance/Net Asset Policy, a copy of which is attached hereto and made a part hereof as Exhibit “1”.
- 3.** Second reading and public hearing of proposed ordinance setting the election date for the General Election for the year 2013 for the date of Tuesday, November 19, 2013 for the offices of the Mayor and the City Council whose terms have expired, pursuant to municipal powers vested by State law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)
- 4.** Second reading and public hearing of proposed ordinance providing for a Primary Election to be held on Tuesday, November 5, 2013 and a General Election to be held on Tuesday, November 19, 2013; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)
- 5.** Second reading and public hearing of proposed ordinance amending Chapter 62 entitled "Parks and Recreation" of the Code of Ordinances, and in particular, revising Hialeah Code § 62-21 entitled “Alcoholic Beverages; Intoxicated Persons” to allow the possession, consumption and sale of beer, wine and alcoholic beverages at Milander Center at city-sponsored and city approved events subject to the rules and regulations concerning the use of the facility and further allow the sale of beer and wine only at other recreation facilities subject to City Council approval; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (PARKS AND RECREATION DEPT. AND DEPT. OF COMMUNICATIONS AND SPECIAL EVENTS)
- 6.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article III, Division 3. Subdivision Plats, of the Code of Ordinances and in particular, revising Hialeah Code § 98-348 entitled "Minimum Size of Lots and Blocks; Platting of Lands" to require a Flood Hazard Disclosure on all Subdivision Plats; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (PLANNING AND ZONING DIV.)
- 7.** Board Appointments
- 8.** Unfinished Business
- 9.** New Business -
- 10.** Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning from M-1 (Industrial District) to R-3-4 (Multiple Family District). **Property located at the northwest corner of the intersection of West 24 Avenue and West 78 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Palm West Apartments, LLC)
- PZ 2.** Second reading and public hearing of proposed ordinance rezoning from R-3 (Multiple Family District) to P (Parking). **Property located at 466-476 East 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Melissa Tapanes Llahue, Esq./ Leon Medical Centers, LLC.)
- PZ 3.** Second reading and public hearing of proposed ordinance rezoning from M-1 (Industrial District) to R-3-3 (Multiple Family District) and granting a Variance Permit to allow 225 parking spaces, where 228 parking spaces are required, and to allow a pervious area of 28%, where a minimum 30% lawn (pervious) area is required, contra to Hialeah Code §§ 98-2189(19) and 98-2233. **Property located at the northwest corner of the intersection between N.W. 92 Avenue and West 80 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Paraiso Gardens, LLC)
- PZ 4.** Recommendation of denial from the Planning and Zoning Board for **rezoning** from R-1 (One Family District) to R-2 (One and Two Family Residential District) and consider granting a variance permit to allow lot coverage of 34% (maximum of 30% allowed) and allow the following existing setbacks: For front unit: East side of 5.30' (7.5' required). For rear unit: Rear of 6.55' (25' required), east side of 5.35', west side of 5.5' (7.5' required for porch). Property located at **308 East 43 Street, Hialeah.** (Applicant: Grisselle Freijo Cantrell) (*ITEM WAS TABLED ON MAY 14, 2013*)
- PZ 5.** Letter of denial from the Planning and Zoning Official to rezone two parcels of land from R-1 (One Family District) to R-2 (One and Two Family Residential District) and allow each duplex on a lot with a 50-foot frontage, total lot area of 6,750 square feet (75-foot width and 7,500 square foot lot area required for each) and consider granting a variance permit to allow a total lot coverage of 50.4% for each (30% maximum allowed) and side setbacks of 5 feet on each lot (7.5 feet required for each). Property located at 115 West 13

Street, Hialeah. (Applicant: Eco Hialeah, LLC C/O Eugenio Lage (ITEM WAS TABLED ON MARCH 26, 2013 & APRIL 9, 2013))

PZ 6. First reading of proposed ordinance granting a Variance Permit to allow Pawnbroking of Secondhand Jewelry by a Retail Jewelry Store on property zoned CR (Commercial-Residential District) and located in the Extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891. **Property located at 1765-1795 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Chaled Corporation*) (ITEM WAS TABLED ON MARCH 12, 2013)

PZ 7. First reading of proposed ordinance granting a variance permit to allow a single family home on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,918 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah code § 98-499. Property located at 197 West 33 Street, Hialeah, Florida (Applicant: Eco Hialeah, LLC. c/o Eugenio Lage)

LAND USE AMENDMENT

LU 1. Recommendation of denial from the Planning and Zoning Board for a Small Scale Amendment from Low Density Residential to Residential Office District. Property located at 875 East 41 Street, Hialeah, Florida. Zoned R-1 (One-Family District). (*Applicant: Eleana Cruz, c/o Ceasar Mestre, Esq.*) (ITEM WAS TABLED ON MAY 14, 2013)

FINAL DECISION

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 13-5 that granted an adjustment on condition that the improvements built without the benefit of a building permit be legalized within 18 months from the effective date of this resolution on property located at **1031 West 55 Place, Hialeah, Florida;** and providing for an effective date. (*Applicant: Ariel Espinoza*)

NEXT CITY COUNCIL MEETING: June 11, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 27, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).